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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,522	07/13/2001	James D. Thackston	55536.000009	3907

7590 03/24/2004

ATTN: JONATHAN D. LINK
HUNTON & WILLIAMS
1900 K STREET, N.W.
WASHINGTON, DC 20006

EXAMINER

FREJD, RUSSELL WARREN

ART UNIT	PAPER NUMBER
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2128

12

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,522

Applicant(s)

THACKSTON, JAMES D.

Examiner

Russell Frejd

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10</u> . | 6) <input type="checkbox"/> Other: _____ |

In re Application of: Thackston

Examination of Application #09/903,522

1. Claims 19-49 of application 09/903,522, filed on 13-July-2001, are presented for examination. This application is CON of 09/410,619, filed on 1-October-1999, now U.S. Patent No. 6,295,513. The examiner thanks applicant for submission of the Terminal Disclaimer on 2-January-2004.

Claim Rejections under 35 U.S.C. 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19-49 are rejected under 35 U.S.C. 102(b) as being anticipated by the article authored by Toye et al., hereinafter Toye, entitled *SHARE: A Methodology and Environment for Collaborative Product Development*.

3.1 Toye disclosed the invention as claimed, including an open, heterogeneous, network-oriented environment for concurrent engineering [p. 34, c.1] that applies information technology to help design teams gather, organize and re-access information, communicate both informal and formal design information with clients, suppliers and colleagues, negotiate tradeoffs, and use each others' services, in order to establish a shared understanding of the design process [Abstract and p. 33, c. 2, sec. 2]. The understanding emerges over time as each team member develops an understanding of his or her own part of the project, and provides information that

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allows others to progress. The process also involves communications, negotiation and community learning, activities not well supported by current CAD tools [p. 33, c. 2, 1st par.].

The environment enables engineers to participate on a distributed team using their own tools and databases. Specifically, it provides [p. 34, c. 1 through p. 35, c. 1, 1st par.]:

familiar displays that put information at engineers' fingertips, including on-line notebooks, handbooks, requirements documents, and design libraries;

collaboration services, including multimedia mail and desktop video conferencing, that enables team members to communicate and share tools and data;

on-line catalog ordering and fabrication services, with information about pricing and shipping and bid solicitations, leading to delivery of components without numerous phone calls to clarify the designer's intent;

specialized services for simulation, analysis and planning, (e.g. cost estimation, dynamics simulation) and shared engineering knowledge bases;

a distributed product data management service that accepts postings from on-line tools and services, and maintains dependencies so that when changes occur, the right people are notified, tools invoked and sources consulted; and

an integration infrastructure that enables heterogeneous design tools and databases to inter-operate transparently across platforms, thereby creating a shared project environment.

Response Guidelines

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

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5. Any response to the Examiner in regard to this non-final action should be

directed to: Russell Frejd, telephone number (703) 305-4839, Monday-Friday from 0630 to 1500 ET, **or** the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature should be directed to the Tech Center 2100 receptionist, telephone number (703) 305-3900. The TC 2100 Customer Service telephone number is (703) 306-5631.

mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Fourth Floor (Receptionist).

Date: 22-March-2004

RUSSELL FREJD

**RUSSELL FREJD
PRIMARY EXAMINER**